

**Supplemental  
Notice of Allowability**

Application No.

09/481,196

Examiner

Jeffrey A. Smith

Applicant(s)

PIRILLO, PAUL MATTHEW

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to further review by the Examiner.
2. ☒ The allowed claim(s) is/are 25-41.
3. ☒ The drawings filed on 19 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Appendix I.

  
Jeffrey A. Smith  
Primary Examiner

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**EXAMINER'S COMMENT**

It has come to the Examiner's attention that the Notice of Allowability and associated papers mailed November 8, 2004 make numerous references to a "claim 42". Despite such references to claim 42, a review of the file reveals that no claim 42 was ever present in the application. The highest numbered claim presented during the prosecution of this application is claim 41. This communication serves to correct the record regarding the status of the claims.

The status of the claims is as follows:

Claims 1-24 have been canceled.

Claims 25-41 have been added by the Examiner's Amendment  
mailed November 8, 2004 and are allowed.

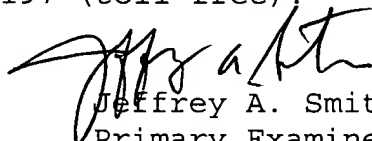
✓

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffrey A. Smith  
Primary Examiner  
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# **Appendix I**

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joe Agusta on October 19, 2004.

The application has been amended as follows:

#### In The Title

The title has been amended as follows:

APPARATUS, SYSTEM AND METHOD [METHOD AND APPARATUS] FOR  
ELECTRONIC BOOK DISTRIBUTION

#### In The Claims

Claims 1-24 have been canceled

New claims 25-<sup>41</sup>~~42~~ has been added as follows:

25. A self-service terminal for allowing customer download of electronic media comprising:

4/19/05  
Joe

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a customer information interface for receiving customer information from a portable customer contact device and a central repository, said customer information including download history and usage patterns, said usage patterns including actual usage patterns of electronic media previously downloaded to the portable customer contact device;

a customer input interface including a display for communicating information to a customer describing available options and recommendations, the customer input interface allowing input from a customer, the customer input interface allowing a customer to select electronic media for purchase;

a data acquisition interface for acquiring customer selected electronic media for transfer to the portable customer contact device;

a data transfer interface for transferring customer selected electronic media to the portable customer contact device; and

a processor for receiving the customer information, including the actual usage patterns of electronic media previously downloaded to the portable customer contact device, analyzing the actual usage patterns to determine customer preferences, generating tailored customer information displays based on said determined customer preferences, generating tailored customer selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable customer contact device, receiving customer selections and processing financial transactions and data transfers based on the customer selections.

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26. The terminal of claim 25 wherein the data transfer interface includes a download cradle adapted to connect with an electronic book reader to provide a connection for the transfer of information between the terminal and the electronic book reader.

27. The terminal of claim 26 wherein the download cradle is adapted to read customer information from the electronic book reader and wherein the customer information interface includes the download cradle.

28. The terminal of claim 25 wherein the customer information interface further includes a smart card reading and writing device for reading customer information from and writing data to a smart card; and

wherein the data transfer interface also includes the smart card reading and writing device, the smart card reading and writing device being adapted to receive data from and transfer data to the terminal.

29. The terminal of claim 28 wherein the processor is adapted to retrieve the customer information and to use the customer preferences to develop purchase suggestions based on the customer preferences.

30. The terminal of claim 29 wherein the terminal is operative to cryptoprocess data for delivery to the electronic book reader.

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31. The terminal of claim 30 wherein the data transfer interface includes a compact disk recorder for recording software on a recordable compact disk.

32. The terminal of claim 25 further comprising:

a loudspeaker; and

wherein the customer input interface further comprises a microphone for conferencing the customer with a remote help desk operator.

33. The terminal of claim 32 wherein the customer input interface further comprises a camera for capturing video information of the customer, the data transfer interface transmitting the video information to the remote help desk operator to create a video conference.

34. The terminal of claim 25 wherein the electronic media comprises an electronic book.

35. A system for distribution of electronic media comprising:

means for arousing a self service terminal from an idle state upon presentation of a portable customer contact device;

means for retrieving customer information from a central repository and the contact device, the retrieved customer information including download history and usage patterns, said usage patterns including actual usage patterns of electronic media



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previously downloaded to the portable customer contact device ;

means for analyzing the actual usage patterns to determine customer preferences;

means for generating tailored customer information displays based on said determined customer preferences;

means for generating customer tailored selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable contact device;

means for displaying customer tailored selectable electronic media recommendations on the self service terminal;

means for selecting electronic media for purchase;

means for receiving the customer selections; and

means for processing financial transactions and data transfers based on the customer selections.

36. The system of claim 35 wherein the means for processing financial transactions and data transfers further comprises a means for cryptoprocessing media for delivery to the contact devices.

37. The system of claim 35 further comprising:  
an advertising server;

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wherein the means for retrieving customer information further comprises a means of retrieving advertising from the advertising server and a means of supplying the advertising to the self service terminal.

38. The system of claim 37 wherein the self service terminal selectively displays advertising based on customer information and customer contact information.

39 The system of claim 35 wherein the self service terminal connects to a network adapted to provide remote audio and video communication.

40 A method of electronic media distribution, comprising the steps of:

arousing a self service terminal from an idle state upon presentation of a portable customer contact device;

retrieving customer information from a central repository and the contact device, the retrieved customer information including download history and usage patterns, said usage patterns including actual usage patterns of electronic media previously downloaded to the portable customer contact device ;

analyzing the actual usage patterns to determine customer preferences;

generating tailored customer information displays based on said determined customer preferences;

generating customer tailored selectable electronic media recommendations

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based on the received actual usage of electronic media previously downloaded to the portable contact device;

displaying customer tailored selectable electronic media recommendations on the self service terminal;

selecting electronic media for purchase;

receiving the customer selections; and

processing financial transactions and data transfers based on the customer selections.

41. The method of claim 40

wherein the step of retrieving the customer information is followed by a further step of retrieving advertising content and

wherein the advertising content and the centrally stored customer information are processed to generate a java applet, and

wherein the step of generating customer tailored selectable electronic media recommendations includes providing the locally stored customer information to the java applet as an input.

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**Reasons For Allowance**

The following is an examiner's statement of reasons for allowance:

*40*  
Claim 25, 35 and ~~41~~<sup>40</sup> are independent in the instant application. Claims 26-34 are dependent from claim 25, claims 36-~~40~~<sup>39</sup> are dependent from claim 35, and claim ~~42~~<sup>41</sup> is dependent from claim ~~41~~<sup>40</sup>. Claims 25, 35 and ~~41~~<sup>40</sup> recites an apparatus / system / method for allowing customer download of electronic media comprising: a customer information interface for receiving customer information from a portable customer contact device and a central repository, said customer information including download history and usage patterns, said usage patterns including actual usage patterns of electronic media previously downloaded to the portable customer contact device; a customer input interface including a display for communicating information to a customer describing available options and recommendations, the customer input interface allowing input from a customer, the customer input interface allowing a customer to select electronic media for purchase; a data acquisition interface for acquiring customer selected electronic media for transfer to the portable customer contact device; a data transfer interface for transferring customer selected electronic media to the portable customer contact device; and a processor for receiving the customer information, including the actual usage patterns of electronic media previously downloaded to the portable customer contact device, analyzing the actual usage patterns to determine customer preferences,

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generating tailored customer information displays based on said determined customer preferences, generating tailored customer selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable customer contact device, receiving customer selections and processing financial transactions and data transfers based on the customer selections.

Neither Suzuki (U.S. Patent No. 6,129,274) nor Heutschi (U.S. Patent No. 6,335,678) anticipates nor fairly and reasonably teaches an apparatus / system / method comprising a processor for receiving customer information, including the actual usage patterns of electronic media previously downloaded to a portable customer contact device. Furthermore neither Suzuki nor Heutschi anticipates nor fairly and reasonably teach an apparatus / system / method comprising analyzing the actual usage patterns to determine customer preferences, generating tailored customer information displays based on said determined customer preferences, generating tailored customer selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable customer contact device.

Additionally, Suzuki teaches away from generating tailored customer selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable customer contact device. Suzuki merely utilizes transaction history to generate personal recommendations. In contrast to

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Suzuki, the present invention utilizes the actual usage habits of electronic media by the customer to provide a novel level of tailored selectable options to the customer

Additionally, Heutschi teaches away from generating tailored customer selectable electronic media recommendations based on the received actual usage of electronic media previously downloaded to the portable customer contact device. Suzuki merely utilizes an electronic shopping catalogue which can be transmitted to an electronic book, targeted on the requirements and shopping habits of the user. In contrast to Suzuki, the present invention utilizes the actual usage habits of electronic media by the customer to provide a novel level of tailored selectable options to the customer

It is observed that none of the references of record, either alone or in combination with any other reference of record teach a processor for receiving customer information, including the actual usage patterns of electronic media previously downloaded to a portable customer contact device.

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### Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MSG  
Patent Examiner  
October 25, 2004



Jeffrey A. Smith  
Primary Examiner